

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JUDY ENDERS/MADEN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-669-JJF
	:	
SUPER FRESH,	:	
	:	
Defendant.	:	

ORDER

WHEREAS, on February 15, 2007, Defendant filed a Motion For Summary Judgment and an opening brief (D.I. 43, 44);

WHEREAS, in response, on April 3, 2007, pro se Plaintiff submitted a letter to the Court requesting certain discovery and making a second request for appointment of counsel (D.I. 48);

WHEREAS, upon review of the parties' submissions with respect to Defendant's Motion For Summary Judgment and the evidence of record, the Court concludes that, at this juncture, resolution of the summary judgment motion is premature and further discovery is necessary;

WHEREAS, the Court liberally construes Plaintiff's letter (D.I. 48) as a motion to compel and a motion to appoint counsel, see Estelle v. Gamble, 429 U.S. 97, 106 (1976) (noting that pro se documents are to be liberally construed);

NOW THEREFORE, IT IS HEREBY ORDERED that:

- 1) Defendant's Motion For Summary Judgment (D.I. 43) is DENIED with leave to renew;

- 2) Plaintiff's letter request for appointment of counsel (D.I. 48) is **DENIED** for the reasons discussed in the Court's November 17, 2006, Memorandum and Order denying Plaintiff's previous request (D.I. 36);
- 3) Plaintiff's letter request for production of documents and information (D.I. 48) is **GRANTED**; Defendant shall respond or further object to the discovery request **no later than October 12, 2007**;
- 4) the deadline for fact discovery is extended until **November 9, 2007**;
- 5) the deadline for the filing of case dispositive motions is extended until **December 7, 2007**.

September 26, 2007


UNITED STATES DISTRICT JUDGE